

April 16, 2013

7:00 p.m.

Planning Department  
Council Chambers

**MEMBERS PRESENT:** Commissioners Natalie Black, Doug Branson, Jake Cordova, Brent Dixon, David Hodder, Kurt Karst, George Morrison, and George Swaney.

**MEMBERS ABSENT:** Commissioners Donna Cosgrove, Leslie Polson, Dee Whittier, and Margaret Wimborne.

**ALSO PRESENT:** Planning Director Renée Magee, Recording Secretary Debra Petty, and eleven interested citizens.

**CALL TO ORDER:** Chair Cordova called the meeting to order at 7:00 p.m. and reviewed the public hearing process.

**MODIFICATIONS TO THE AGENDA:** None.

**MINUTES:** Morrison moved to approve the minutes of March 5, 2013, as presented. Motion seconded by Black and passed unanimously. Morrison moved to approve the minutes of March 19, 2013, as presented. Branson seconded, and the motion passed unanimously.

**PUBLIC HEARINGS:**

**Conditional Use Permit for Odyssey Charter School in an HC-1 Zone, Lot 12, Block 2, Bowen Addition, Division No. 1 and Lot 11, Block 2, Bowen Addition, Division No. 3.** Magee presented the staff report, a part of the record. The site can accommodate a maximum enrollment of 235 students based on parking and building code requirements as explained in the staff report. Magee said the applicant moved the bus access to the eastern drive way at 1167 Jones Street as requested by the City Engineer. This location allows a greater turning radius for the bus and separation from other vehicular traffic. The Bureau of Land Management has requested fencing be constructed along the north property line.

Chair Cordova opened the hearing to public comment.

**Jeff Freiberg, 946 Oxbow Lane, Idaho Falls.** Mr. Freiberg represents the applicant. He said current enrollment is 175 students, 153 junior high and 22 tenth graders. It is understood additional parking will be required as enrollment increases. He said all lunches will be catered. Moving the bus access to 1167 Jones Street will require additional paving. Parent drop-off was proposed to be located on-street but it may be accommodated in the parking lot. The developer is amenable to the installation of a fence bordering the BLM property.

**Mike Bowcutt, 8575 N 5<sup>th</sup> E, Idaho Falls.** Mr. Bowcutt is the owner/president of DAFAB Construction. The company will complete all tenant interior finishes and owns the land. He told Dixon they are willing to extend the landscaping along the northern property line and construct a fence along the north property line to act as a buffer to BLM site. He prefers not to separate the yard behind the gymnasium and future modular classroom area at 1167 Jones from the welding shop yard at 1165 Jones by fencing since it will inhibit snow removal.

**Brian Stutzman, 6655 E Lincoln Road, Iona.** Mr. Stutzman owns a 20,000 square foot building one-half mile from the site. He is familiar with the site and believes the school is a good use of a vacant building. He believes having the parent drop-off at the curbside is the better option.

**Carl Peterson, 3890 Taylorview Lane, Ammon.** Karst asked Mr. Peterson for a realistic enrollment figure. Mr. Peterson said 230-250 is the maximum number of students. He told Black they have an initial enrollment of 175 students; the number may go up prior to the new school year. He confirmed for Dixon each of the modular buildings will have two classrooms. He told Swaney the modular will be sited on the existing gravel surface.

**Mike Bowcutt, 8575 N 5<sup>th</sup> E, Idaho Falls.** Mr. Bowcutt said a preliminary plan review was done with the building official and fire marshal. The concept appears to meet the code requirements.

**Howard Arthur, 361 Cliff Street, Idaho Falls.** Mr. Arthur said the developer does not own the lot to the west used for snow removal. If the lot is developed, other arrangements will be necessary. He asked if the arrangement was a purchase or lease agreement. He is opposed to a purchase agreement because the county will not assess taxes on the property. The loss of tax revenue is a burden on the tax payers.

**Mike Bowcutt, 8575 N 5<sup>th</sup> E, Idaho Falls.** Mr. Bowcutt said the charter school will have a five year lease agreement with an option to renew.

Chair Cordova closed the hearing to public comment.

Dixon said the gravel lot gives the appearance of a manufacturing facility. The applicant may reconsider when dirt and mud is tracked into the future modular classrooms. There should be additional landscaping when the modulars are added to the site. Karst said his biggest concern is regulating the parking as enrollment increases. Dixon noted the area is vacant and on-street parking is available.

**Morrison moved to approve the conditional use permit for Odyssey Charter School for Lot 12, Block 2, Bowen Addition, Division No. 1 and Lot 11, Block 2, Bowen Addition, Division No. 3, as presented. Branson seconded the motion. Karst moved to amend the motion to require the installation of fencing along the north property line to prevent access to the BLM site by students. Dixon seconded the motion to amend. Dixon amended the motion to require landscaping along the property line north of 1165 and 1167 Jones Street. Black seconded the motion to amend. Motion passed as amended. Aye: 8, Nay: 0, Abstain: 0.**

**Conditional Use Permit for the Construction of a Viewing Pavilion in Sportsman Park.** Magee told Karst his involvement with the project is not a conflict of interest unless there is an economic interest. He said there is not. She presented the staff report, a part of the record. Sportsman Park has access and parking to the west and east. The pavilion will be sited near the dam and spillway on the northeast corner of the site.

Chair Cordova opened the hearing to public comment.

**Ed Zaladonis, 2290 Bodily, Idaho Falls.** Mr. Zaladonis is a volunteer and is spending his free time to manage the project. He has support and resources from a number of organizations. He spent many hours researching Japanese architecture to make certain the structure will be architecturally correct and of sound

construction. He explained many of its features. There is decking and handrail on the northwest side of the pavilion. The east side straddles the lava rock wall and extends out to the dam. There are no added safety measures. He does not want anyone harmed, but the park is full of hazards. He will consider a temporary railing. The pavilion is not handicapped accessible but can be viewed from many locations in the park. He said it presents a great photo opportunity and is an asset to the Greenbelt. Dixon expressed his concern there are no safety measures on the east side and it may be an attractive nuisance. He wishes to see measures to reduce the risk.

Chair Cordova closed the hearing to public comment.

Karst said his involvement was in regard to the structural integrity of the pavilion. He said it is very authentic in architecture and construction methods. He told Dixon there were discussions concerning safety and said the entire park is an attractive nuisance. Branson said the structure acts as a buffer from the river and expressed his support. Swaney said little of the island is protected by railings and does not believe it will increase the level of hazard. Black said the architecture is distinctive and located in a prominent location. She is not sure it is appropriate for the area. Dixon said the structure will attract people to the park. Morrison said many do not know Idaho Falls has a sister city and is an opportunity to bring it to the forefront.

**Branson moved to approve the conditional use permit for a viewing pavilion in Sportsman Park, as presented. Swaney seconded the motion and it passed. Aye: 8, Nay: 0, Abstain: 0.**

**Business:**

**Final Plat for St. Clair Estates, Division No. 1, 1<sup>st</sup> Amended.** Magee presented the staff report, a part of the record. This plat was before the Commission recently as one lot. Now the applicant is proposing the two building pads be separated into two lots. Staff recommends a cross access and shared parking agreement be a condition of approval of the plat. She told Karst the small lot is buildable.

**Dixon moved to recommend to Mayor and City Council approval of the final plat for St. Clair Estates, Division No. 13, 1<sup>st</sup> Amended, with the condition a cross-access and shared parking agreement be prepared prior to consideration by City Council. Karst seconded the motion and it passed unanimously. Aye: 8, Nay: 0, Abstain: 0.**

The meeting adjourned at 8:35 p.m.

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Debra Petty, Recording Secretary